

Exhibit A

FILED
04-13-2020
Clerk of Circuit Court
Price County, WI

STATE OF WISCONSIN CIRCUIT COURT
PRICE COUNTY

For Official Use 2020CV000030

DONALD J. TRUMP FOR PRESIDENT, INC.

725 Fifth Avenue, 15th Floor
New York, New York, 10022,

Plaintiff,

v.

NORTHLAND TELEVISION, LLC,

d/b/a WJFW-NBC

3217 County Rd G
Rhineland, WI 54501,

Case No. 2020-CV-_____

Case Classification Code: 30106

Defendant.

SUMMONS

THE STATE OF WISCONSIN, to the person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is also served upon you, states the nature and basis of the legal action.

Within 45 days after the date you were served with the complaint, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Price County Courthouse, 126 Cherry Street, Rm. 206, Phillips, Wisconsin 54555, and to Plaintiff's attorney, Eric M.

McLeod, whose address is Husch Blackwell LLP, P.O. Box 1379, 33 East Main Street, Suite 300, Madison, WI 53701-1379. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 13th day of April, 2020.

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Attorneys for Plaintiff

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Plaintiff,

v.

**NORTHLAND TELEVISION, LLC, d/b/a
WJFW-NBC,**

Defendant.

Case No. 2020-CV-_____

COMPLAINT

Plaintiff, Donald J. Trump for President, Inc., for its Complaint against defendant, Northland Television, LLC, d/b/a WJFW-NBC, alleges as follows:

INTRODUCTION AND NATURE OF THE CASE

1. This case concerns a false and defamatory television advertisement, produced by far-left Super PAC Priorities USA (“PUSA”), that has been broadcast by defendant Northland Television, LLC, d/b/a WJFW-NBC (“WJFW-NBC”), thereby causing material harm to Donald J. Trump’s principal campaign committee, Donald J. Trump for President, Inc. (“the Trump Campaign”). The advertisement, entitled “*Exponential Threat*,” does not just contain false and defamatory statements about President Trump—it is far more insidious and, ultimately, far more dangerous. The advertisement was produced through the use of digital technology by taking audio clips from Trump Campaign events and piecing those clips together to manufacture a blatantly false statement that was never said by President Trump: “*The coronavirus, this is their*

new hoax.” Absent the deceitful alteration of the audio, it is clear that “this” does not refer to the coronavirus and instead refers directly to the Democrats’ politicization of the pandemic. WJFW-NBC has perpetrated a fraud on the public by recklessly broadcasting PUSA’s defamatory and false advertisement, which WJFW-NBC knew or should have known was produced through the use of technology that depicted a clearly false statement. (The “Exponential Threat” advertisement as broadcast by WJFW-NBC is referred to in this Complaint as “the PUSA advertisement” or “the PUSA ad.”)

2. On March 25, 2020, the Trump Campaign sent a cease and desist letter and supporting research packet (together, the “Cease and Desist Letter”) to WJFW-NBC that, among other things, clearly notified WJFW-NBC about the fake, deceptive, and fraudulent manner in which the PUSA advertisement was produced and the advertisement’s false and defamatory content. The Cease and Desist Letter further informed WJFW-NBC of the fact that multiple, independent, fact-checking organizations rightly concluded that the central point of the PUSA advertisement is clearly false. Despite this overwhelming evidence, WJFW-NBC continued to broadcast the PUSA ad, airing it thirty-six (36) more times over the next eleven (11) days. Thus, WJFW-NBC continued to broadcast the PUSA advertisement with actual knowledge that the advertisement contained verifiably false information and, therefore, perpetuated a fraud on the public and/or acted with reckless disregard for the advertisement’s truth.

3. Such conduct by WJFW-NBC finds no protection in the law. By simply ignoring the Cease and Desist Letter from the Trump Campaign, in which the advertisement’s falsehoods were clearly explained and supported by independent fact-checkers, WJFW-NBC actively enabled and is undeniably complicit in PUSA’s fraudulent conduct. WJFW-NBC was made aware that (a) the statement depicted in the PUSA advertisement was not made by President

Trump, and (b) that the advertisement was the product of an intentional and malicious effort to manufacture a false statement through the use of digital technology. Yet, WJFW-NBC refused to take down the PUSA advertisement and is now liable for the false and defamatory content of that advertisement.

PARTIES

4. The Trump Campaign is an authorized committee of presidential candidate Donald J. Trump (“candidate Trump”) as defined by 11 CFR § 9032.1(a), which is incorporated in Virginia and has its principal place of business in New York. The Trump Campaign has operated President Trump’s reelection campaign for the 2020 Presidential election since January 20, 2017.

5. WJFW-NBC’s principal place of business is in Wisconsin. WJFW-NBC operates a broadcast television station located at 3217 County Road G in Rhinelander, Oneida County, Wisconsin. WJFW-NBC’s broadcast and cable network coverage area includes a number of neighboring counties including Price County.

JURISDICTION AND VENUE

6. This Court has jurisdiction in this case pursuant to Wis. Stat. § 801.05(1)(d) because WJFW-NBC is engaged in substantial and not isolated activities within this state, and pursuant to Wis. Stat. § 801.05(3) because WJFW-NBC’s wrongful actions that are the subject of this Complaint occurred in Wisconsin.

7. Venue is proper in this Court pursuant to Wis. Stat. § 801.50(2)(a) because the false and defamatory advertisement broadcast by WJFW-NBC was aired in Price County and, thus, the claims that are the subject of this Complaint arose in Price County.

8. Venue is proper in this Court pursuant to Wis. Stat. § 801.50(2)(c) because WJFW-NBC broadcasts to viewers in Price County and, thus, does substantial business in Price County.

BACKGROUND FACTS

9. Donald J. Trump is the Trump Campaign's candidate for the 2020 Presidential Election.

10. Pursuant to 52 U.S.C. § 30102(e)(1) and (3), candidate Trump has established "Donald J. Trump for President, Inc." as his principal campaign committee.

11. The Trump Campaign is responsible for, among other things, coordinating and organizing political and fundraising appearances, creating and/or purchasing political advertising on behalf of the candidate, collecting contributions for the candidate and reporting them to federal regulators as required by law, and making expenditures on behalf of the candidate, each and all for the sole purpose of re-electing its candidate as President of the United States.

12. Candidate Trump is one of many people authorized to speak and who does speak on behalf of the Trump Campaign. The purported statements of any authorized speaker alleged to have been made on behalf of the Trump Campaign impact the Trump Campaign.

13. The false statements depicted in the PUSA advertisement were fraudulently misrepresented as being made by the Trump Campaign's candidate.

14. PUSA created the PUSA advertisement in order to affect voting behavior of members of the voting public and influence the 2020 presidential election.

15. The Trump Campaign's effort to acquire votes necessarily rests on its and its candidate's reputation.

16. The public activities and statements made by the Trump Campaign's candidate while on the campaign trail are a material activity of the Trump Campaign, reflect upon the Trump Campaign, impact the candidate's chances for reelection, and thereby directly affect the fundamental trade and profession of the Trump Campaign. Those communications express to voters information upon which voters may consider and make the determination whether to cast their vote for the Trump Campaign's candidate.

WJFW-NBC's Responsibilities and Liability as a Licensed Broadcast TV Station

17. WJFW-NBC is a broadcast television station licensed by the Federal Communications Commission.

18. As a licensed broadcast TV station, under the Communications Act of 1934, WJFW-NBC has an obligation to operate in the public interest. Within this obligation, WJFW-NBC has a responsibility to protect the public from false, misleading, and deceptive advertising.

19. Unlike the qualified campaign committees of candidates for public office, third parties such as PUSA have no right under the Communications Act to command the use of broadcast facilities to air their advertisements. That is, WJFW-NBC may refuse to air the advertising of third parties such as PUSA and it may censor such ads.

20. As a licensed broadcast TV station, WJFW-NBC has the authority—indeed, the obligation—to ensure that advertisements such as the PUSA advertisement are not false, misleading, or deceptive.

21. WJFW-NBC is subject to liability under the law for false and defamatory statements within advertising aired by persons other than candidates' campaign committees, such as the PUSA advertisement.

The “Exponential Threat” Advertisement

22. On or about March 24, 2020, the PUSA advertisement, an advertisement created or produced by PUSA, began airing on WJFW-NBC.

23. The PUSA ad takes audio clips of candidate Trump and pieces them together to manufacture a false statement that was not made by the President: “The coronavirus, this is their new hoax.” See PUSA, “Exponential Threat” available at <https://www.youtube.com/watch?v=aK0KPNPveYY> (Last visited Apr. 12, 2020).

24. The PUSA ad takes audio clips from a speech given by candidate Trump on February 28, 2020 at a campaign rally in Charleston, South Carolina (the “South Carolina Campaign Speech”). See President Donald J. Trump, Remarks at a Campaign Rally, Charleston, SC (Feb. 28, 2020), available at <https://www.c-span.org/video/?469663-1/president-trump-campaign-event-north-charleston-south-carolina&start=405.2>. See South Carolina Campaign Speech at timestamp 6:05 minutes to 8:11 minutes.

25. Contrary to the PUSA ad as broadcast by WJFW-NBC, the South Carolina Campaign Speech does not in fact contain the statement: “The coronavirus, this is their new hoax.” The PUSA ad’s statement is verifiably false when compared to the actual words of the South Carolina Campaign Speech. The South Carolina Campaign Speech was approximately 1 hour and 25 minutes in total, and during this speech candidate Trump’s remarks covered a number of issues, including the coronavirus pandemic, the vote counting issues at the Iowa Caucus, immigration and healthcare policy, and tactics used by his political opponents to affect his reelection, including the “impeachment hoax.” Six minutes and 5 seconds into the speech, candidate Trump says: “Now the Democrats are politicizing the coronavirus” After saying other words, approximately 45 seconds later, candidate Trump then refers to the “impeachment

hoax” and about 15 seconds later he refers to his political opponents’ characterization of his response to the coronavirus, saying “this is their new hoax.”

26. The PUSA ad as broadcast by WJFW-NBC falsely pieced together the separate audio clips “The coronavirus” and “this is their new hoax” to create an audio clip of candidate Trump saying those words all together, as one sentence. The PUSA ad compounds this falsity by displaying text representing that these words were said together. While the PUSA ad is playing these pieced-together audio clips, in the background there is a graphic that appears to show the growth of known cases of COVID-19 in the United States between January and March 2020.

27. The PUSA ad also displays subtitles of text that match with the words in the audio clips.

28. In relevant part, the PUSA ad displays the following text: “The coronavirus,” then immediately following, displays the text: “this is their new hoax.” Screenshots of these frames of the PUSA ad are attached hereto as Exhibit A (timestamp 0:01, 0:02, 0:03).

29. The phrase “The coronavirus” begins with a capitalized “T”, the “t” in “this” is lowercase, and the word “hoax” is followed by a period.

30. The PUSA ad intentionally creates a false message by manufacturing fake audio and using such fake audio to create a false, captioned quotation, in both cases to make it appear as though candidate Trump said the phrase “The coronavirus, this is their new hoax.” The pieced-together audio clips thus falsely represent that the candidate stated at a Trump Campaign rally that the coronavirus is a “hoax,” when in fact, “this” refers to the Democrats’ exploitation of a pandemic and related characterization of the candidate’s response to the pandemic as inadequate.

31. Upon information and belief, WJFW-NBC broadcast the PUSA ad approximately forty-three (43) times on WJFW-NBC between March 24 and April 6, 2020.

Independent Fact Checkers Reject “Hoax” Claim as False

32. Weeks before the PUSA ad began airing on WJFW-NBC, multiple independent fact-checking organizations debunked and proved false the core statements of the PUSA ad: that candidate Trump referred to the coronavirus outbreak as a hoax, when, in fact, it is made clear by the candidate’s own words, that “this” refers to the Democrats’ exploitation of this crisis and characterization of the candidate’s response as inadequate.

33. On February 28, 2020, after candidate Trump’s South Carolina Campaign Speech, Slate’s Will Saletan explained, tweeting the following: “Trump’s use of the word ‘hoax’ tonight (7:45 in this video) referred to what he said a minute earlier: ‘The Democrats are politicizing the coronavirus. ...We did one of the great jobs.’ He was saying the hoax is that he’s handled it badly. Not the virus itself.” See a tweet from Will Saletan (Feb. 28, 2020) available at <https://twitter.com/saletan/status/1233600059025035265> and attached hereto as Exhibit B.

34. On February 29, 2020, Check Your Fact published an article entitled “Fact Check: Did Trump Call The Coronavirus A ‘Hoax’ At His South Carolina Rally?” See Brad Sylvester, “Fact Check: Did Trump Call the Coronavirus A ‘Hoax’ At His South Carolina Rally?” (“Check Your Fact”) available at <https://checkyourfact.com/2020/02/29/fact-check-donald-trump-coronavirus-hoax-south-carolina-rally/> and attached hereto as Exhibit C.

35. The Check Your Fact article analyzed a Politico “article claiming President Donald Trump called the novel coronavirus a ‘hoax’ at his Feb. 28 campaign rally in South Carolina.” See *id.*

36. The quote from the Politico publication is as follows: “President Trump on Friday night tried to cast the global outbreak of the coronavirus as a liberal conspiracy intended to undermine his first term, lumping it alongside impeachment and the Mueller investigation.”

Id.

37. The Check Your Fact article determined that the claim made by the Politico article was “False.” *See id.*

38. On March 1, 2020, in response to former Democratic presidential candidate Mike Bloomberg’s comment that he “find[s] it incomprehensible that the President would do something as inane as calling it a hoax, which he did last night in South Carolina,” CBS News’ Scott Pelley replied, “[h]e said the—the Democrats making so much of it is a Democratic hoax, not that the virus was a hoax.” Scott Pelley, *CBS Face the Nation*, available at

<https://www.cbsnews.com/news/full-transcript-of-face-the-nation-on-march-1-2020/>

39. On March 2, 2020, Snopes, the popular, self-described “definitive fact-checking resource,” published an article finding: “Trump did not say in the passage above that the virus itself was a hoax.” Bethania Palma, “Did President Trump Refer to the Coronavirus as a ‘Hoax’?” (Mar. 2, 2020) available at <https://www.snopes.com/fact-check/trump-coronavirus-rally-remark/> and attached hereto as Exhibit D.

40. On March 13, 2020 the Washington Post published an article entitled “Biden ad *manipulates video* to slam Trump.” Meg Kelly, “Biden ad manipulates video to slam Trump,” *The Washington Post* (Mar. 13, 2020) (emphasis added) (“Washington Post Article”), attached hereto as Exhibit E.

41. The “Biden ad” analyzed by the Washington Post was a March 3rd tweet by the Biden campaign including a video containing the same false, manufactured audio clip of candidate Trump saying the coronavirus-hoax statement as contained in the PUSA ad. *See id.*

42. According to the fact-checker from the Washington Post: “The full quote shows Trump is criticizing Democratic talking points and the media’s coverage of his administration’s response to coronavirus. He never says that the virus itself is a hoax, and although the Biden camp included the word ‘their,’ the edit does not make clear to whom or what Trump is referring.” *Id.*

43. The Washington Post gave the Biden ad “Four Pinocchios,” which is its highest rating for false information. *Id.*

44. On March 15, 2020, more than one week before WJFW-NBC began running the PUSA ad, Politifact, another popular fact-checking website, also rated as “False” the Biden ad including the false, manufactured coronavirus-hoax audio clip (also later included in the PUSA ad). Politifact concluded that the Biden ad was a “deceptively edited ad,” explaining that “Biden’s video is inaccurate. We rate it False.” The Biden ad was rated “False” because it included the false and manufactured “hoax” audio clip statement. The manufactured, false audio clip of the “hoax” statement in the Biden ad is “an example of what the Washington Post calls ‘splicing,’ or ‘editing together disparate videos’ that ‘fundamentally alters the story that is being told.’ ” Daniel Funke, “Ad Watch: Biden video twists Trump’s words on coronavirus,” (Mar. 15, 2020) available at <https://www.politifact.com/factchecks/2020/mar/15/joe-biden/ad-watch-biden-video-twists-trumps-words-coronavir/> and attached hereto as Exhibit F.

Public Acceptance of False “Hoax” Claim as Fact

45. The PUSA ad provides no citations of support for its claims, but the false claims made in the PUSA ad have become widely accepted as fact by members of the voting public.

46. The false “hoax” statement was, and has been, widely repeated in news articles and among members of the voting public on social media including Facebook and Twitter, all of which repeat the PUSA ad’s false and manufactured “hoax” statement. See, for example:

Robert Reich’s tweet:

<https://twitter.com/RBReich/status/1246825354624479234?s=20> (1k retweets, 2.8k likes);

George Takei’s tweet:

<https://twitter.com/GeorgeTakei/status/1247609785148682240?s=20> (8.7k retweets, 27.7k likes);

Dr. David A. Lustig’s tweet:

<https://twitter.com/drDave1999/status/1248225859355521024?s=20> (2.2k retweets, 3.7k likes);

Amber Phillips, Washington Post reporter, tweeted “Trump called it a ‘hoax’ in later February,” and later deleted the tweet, *see*

<https://www.washingtonexaminer.com/news/reporter-apologizes-and-deletes-tweet-claiming-trump-called-coronavirus-a-hoax>;

Associated Press, “Trump Campaign Threatens Lawsuit Over Political Ad Featuring President Labeling Coronavirus a ‘Hoax’ ” (Mar. 26, 2020) available at <https://time.com/5810960/anti-trump-coronavirus-ad-lawsuit/> (“President Trump and Fox News called [the coronavirus pandemic] a Democratic hoax.”);

Letter to Editor, Easton Express Times, “Trump’s ‘hoax’ is making America sick” (Mar. 24, 2020) available at

<https://www.lehighvalleylive.com/opinion/2020/03/trumps-hoax-is-making-america-sick-letter.html>;

Letter to Editor, Easton Express Times, “Trump’s ‘hoax’ referred to inept Democrats, not the coronavirus” (Mar. 25, 2020) available at

<https://www.lehighvalleylive.com/opinion/2020/03/trumps-hoax-referred-to-inept-democrats-not-the-coronavirus-letter.html> (responding to 3/24/2020 letter: “President Trump never called the virus a hoax. The writer is repeating a Democratic lie. Trump said some of the things the Democrats were saying about

his administration's response to the coronavirus outbreak was 'their new hoax.' ”).

The Cease and Desist Letter Sent to WJFW-NBC

47. On March 25, 2020, the Trump Campaign sent the Cease and Desist Letter to Steve Shanks, General Manager of WJFW-NBC, informing him that the PUSA ad is “false, misleading and deceptive.” A redacted version of the Cease and Desist Letter is attached hereto as Exhibit G.

48. The Cease and Desist Letter explained, in relevant part, that the PUSA ad stitched together audio clips from candidate Trump's statements to fraudulently and maliciously represent that he called the coronavirus pandemic a “hoax.”

49. The Cease and Desist Letter referenced and attached source material from “multiple independent fact-checking organizations [that] have debunked the core claim of the PUSA ad.”

50. On March 25, 2020, the Trump Campaign sent the Cease and Desist Letter to WJFW-NBC by Federal Express and e-mail, sending the letter by e-mail shortly after 3:00 pm Central time. That same day, it received a response to the e-mail from WJFW-NBC's General Manager within three hours, who confirmed receipt of the letter and stated that the station “is consulting with legal.”

51. WJFW-NBC has not corresponded further with the Trump Campaign and WJFW-NBC continued to run the PUSA ad, broadcasting the PUSA ad thirty-six (36) more times from March 26, 2020 through April 6, 2020. For example, WJFW-NBC broadcasted the PUSA ad ten (10) times on April 6, 2020.

52. WJFW-NBC, despite overwhelming evidence that existed for nearly a month that the communications in the PUSA advertisement were false, and after receipt of the Cease and Desist Letter from the Trump Campaign, continued to rebroadcast the PUSA ad.

53. WJFW-NBC broadcast the PUSA ad to its viewers, which ad contains false and defamatory statements concerning the Trump Campaign, knowing that the PUSA ad was indeed false and defamatory. The PUSA ad includes false representations of statements, depicted by audio clips and false textual quotations of statements by candidate Trump at rallies and/or other events organized and orchestrated by the Trump Campaign. The PUSA ad as broadcast by WJFW-NBC is false and defamatory towards the Trump Campaign because it falsely depicts the candidate as saying the coronavirus is a “hoax” in his campaign statements, by piecing together audio and textual quotes from candidate Trump speaking at campaign events. WJFW-NBC continued to broadcast the PUSA ad and therefore it continued to defame the Trump Campaign. The false statements in the PUSA ad as broadcast by WJFW-NBC are intended to impede the purpose and goal of the Trump Campaign, by negatively impacting the Trump Campaign’s ability to reelect its candidate.

54. A viewer of the PUSA ad as broadcast by WJFW-NBC would understand the false communication to state the position of the Trump Campaign, and it leads viewers to believe that the Trump Campaign’s position is that the coronavirus pandemic is a “hoax.” Stating this as the position of the Trump Campaign has harmed and will harm the reputation of the Trump Campaign and has deterred and will deter third persons from associating or dealing with the Trump Campaign, including causing them not to vote for its candidate for reelection.

55. WJFW-NBC’s broadcast of the PUSA ad containing the false, manufactured “hoax” statement harms the reputation of the Trump Campaign, lowering it in the estimation of

the public. Specifically, the false statement expresses that the Trump Campaign does not believe the coronavirus pandemic is real. WJFW-NBC's broadcast of the PUSA ad therefore defames the Trump Campaign because the ad contains false and manufactured statements represented to be made on behalf of the Trump Campaign. WJFW-NBC's broadcast of the PUSA ad caused the false and manufactured "hoax" statement to continue to be repeated by the public to disparage the Trump Campaign.

56. WJFW-NBC's broadcast of the PUSA ad has forced, and will continue to force, the Trump Campaign to expend substantial funds on corrective advertisements, and to otherwise publicize the fact that candidate Trump did not refer to the very real and very serious coronavirus pandemic as a "hoax."

57. By broadcasting the PUSA ad after the overwhelming evidence of its falsity and receiving the Cease and Desist Letter, WJFW-NBC knowingly participated in broadcasting fraudulently manufactured, false information about the Trump Campaign. In doing so, WJFW-NBC enabled and accomplished the spread of that fraudulently manufactured, false information. The PUSA ad may be replayed and shared from YouTube and other platforms, and is republished and shared through the Internet by the sharing of the ad throughout social media. In short, the false audio clips of the candidate stating: "The coronavirus, this is their new hoax" quickly became "viral."

58. The PUSA ad contains fraudulently manufactured, false information about the Trump Campaign and the ad was broadcast on WJFW-NBC so that information would be accepted as true and continuously repeated. The PUSA ad, in short, was intended to create, and did create, a "meme," to attribute a position to the Trump Campaign by falsely representing that the candidate made the statement that the coronavirus is a "hoax." This false statement has

become a meme, repeated and redistributed throughout the United States and the world, such that the Trump Campaign's alleged "hoax" statement has become accepted as true by numerous persons throughout the U.S. and the world.

59. WJFW-NBC's broadcast of the PUSA ad perpetuated the acceptance and repetition of this false information and continued the effort to defame and disparage the Trump Campaign.

CLAIM FOR RELIEF

COMMON LAW DEFAMATION

60. Plaintiff reincorporates and realleges as though fully set forth hereto the allegations of paragraphs 1 through 59 of this Complaint.

61. The PUSA ad as broadcast by WJFW-NBC is a compilation of stitched together audio clips of candidate Trump that falsely depicts him saying, "The coronavirus, this is their new hoax." *See* Exhibit A.

62. The subtitles used in the PUSA ad as broadcast by WJFW-NBC make it appear as though the two phrases "The coronavirus," and "this is their new hoax" are one complete sentence stated by candidate Trump, through the use of a capitalization of the letter "T" in "the" at the beginning of the sentence, by using a lowercase "t" in the word "this," and by adding a period at the end.

63. Candidate Trump's actual remarks demonstrate that he was specifically referring to the Democrats' politicization of the coronavirus pandemic when he used the word "hoax." In relevant part, candidate Trump said "[t]hey tried the impeachment hoax. That was on a perfect conversation. They tried anything, they tried it over and over, they've been doing it since he got in. It's all turning, they lost. It's all turning, think of it, think of it. And this is their new hoax."

64. The oral and written statements in the PUSA ad as broadcast by WJFW-NBC are false.

65. The “new hoax” statement in the PUSA ad as broadcast by WJFW-NBC is defamatory of the Trump Campaign because it represents that the position of the Trump Campaign is that the coronavirus pandemic is a “new hoax.” Falsely representing that statement as the position of the Trump Campaign is defamatory of the Trump Campaign because such false representations were intended to lower the reputation of the Trump Campaign in the estimation of the citizenry and deter persons from dealing with the Trump Campaign, including, by not voting for candidate Trump’s reelection.

66. The statements in the PUSA ad as broadcast by WJFW-NBC were, and are, communicated by speech and in writing to third persons.

67. The statements in the PUSA ad as broadcast by WJFW-NBC were made to harm the reputation of Donald J. Trump as a candidate for reelection for President of the United States and were made to harm the reputation of the Trump Campaign as the organization whose purpose is to obtain that reelection.

68. The false statements in the defamatory PUSA ad as broadcast by WJFW-NBC are of and concerning the Trump Campaign, in that they allege that the advertisement includes statements made by the candidate for reelection, the President, and they are intended to affect the outcome of the election.

69. WJFW-NBC was put on notice that the PUSA ad was false by the widely distributed publications of the independent fact-checkers.

70. WJFW-NBC also had notice that the PUSA ad was false when it received the Cease and Desist Letter from the Trump Campaign on March 25, 2020.

71. WJFW-NBC acted with reckless disregard as to the truth or falsity of the statements in the PUSA ad when it continued to broadcast the PUSA ad on WJFW-NBC after it was put on notice that the information in the ad was deemed false.

72. WJFW-NBC acted with reckless disregard as to the truth or falsity of the statements in the PUSA ad when it continued to broadcast the PUSA ad on WJFW-NBC after receiving the Cease and Desist Letter from the Trump Campaign.

73. The false statements in the PUSA ad as broadcast on WJFW-NBC have defamed and continue to defame the Trump Campaign in its trade or profession.

74. The false statements in the PUSA ad as broadcast on WJFW-NBC have caused and continue to cause actual damages to the Trump Campaign.

75. WJFW-NBC acted with malice or reckless disregard for the Trump Campaign's rights, therefore an award for punitive damages is appropriate.

WHEREFORE,

Plaintiff demands the following relief:

(a) Judgment in its favor and against Northland Television, LLC d/b/a WJFW-NBC for damages in an amount to be determined at trial;

(b) Costs, disbursements, and attorneys' fees to the maximum amount allowed by law;
and

(c) For such further relief as the Court deems just and equitable.

PLAINTIFF DEMANDS A TRIAL BY JURY OF THE CLAIMS ASSERTED IN THIS COMPLAINT.

Dated this 13th day of April, 2020.

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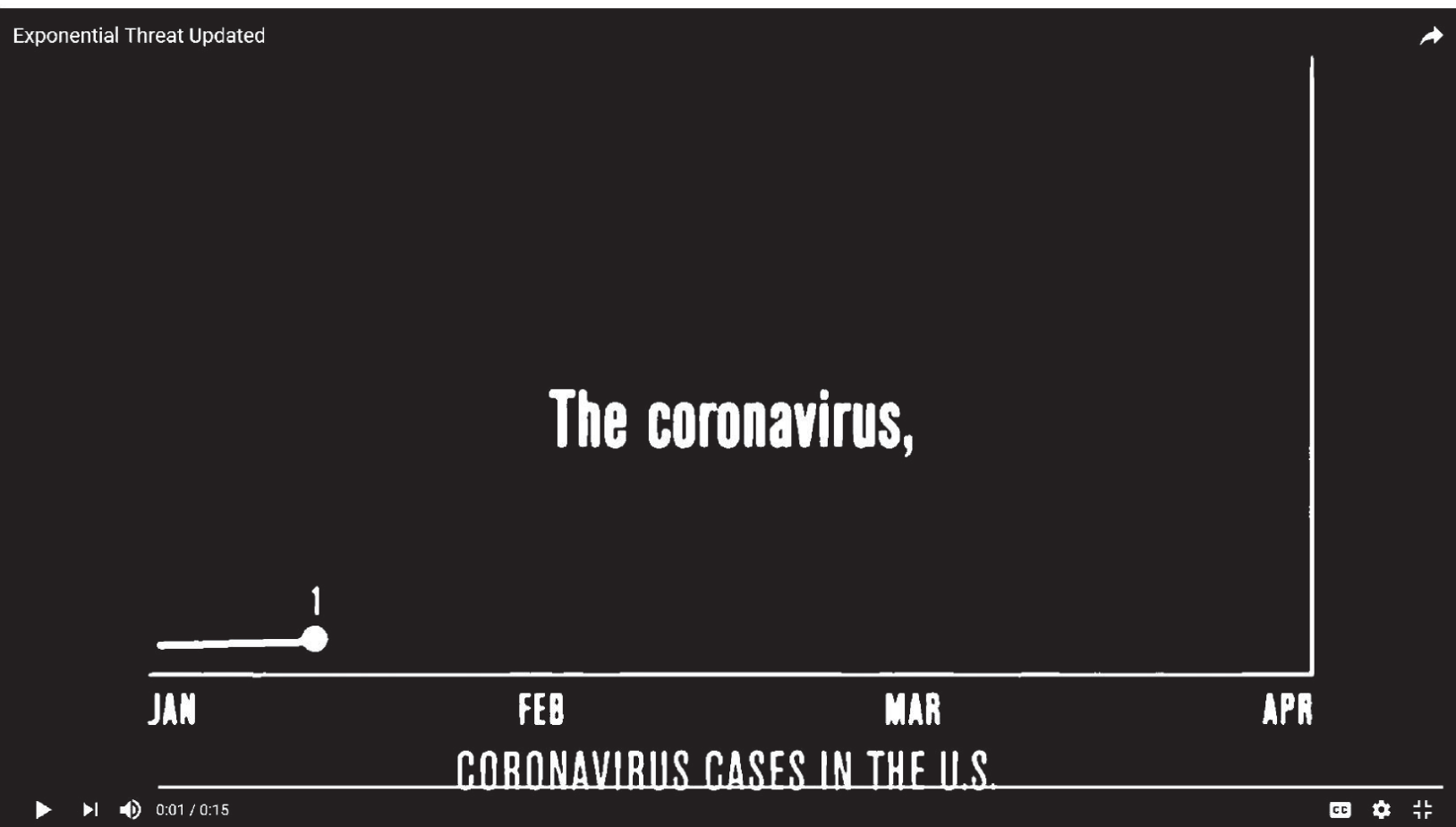
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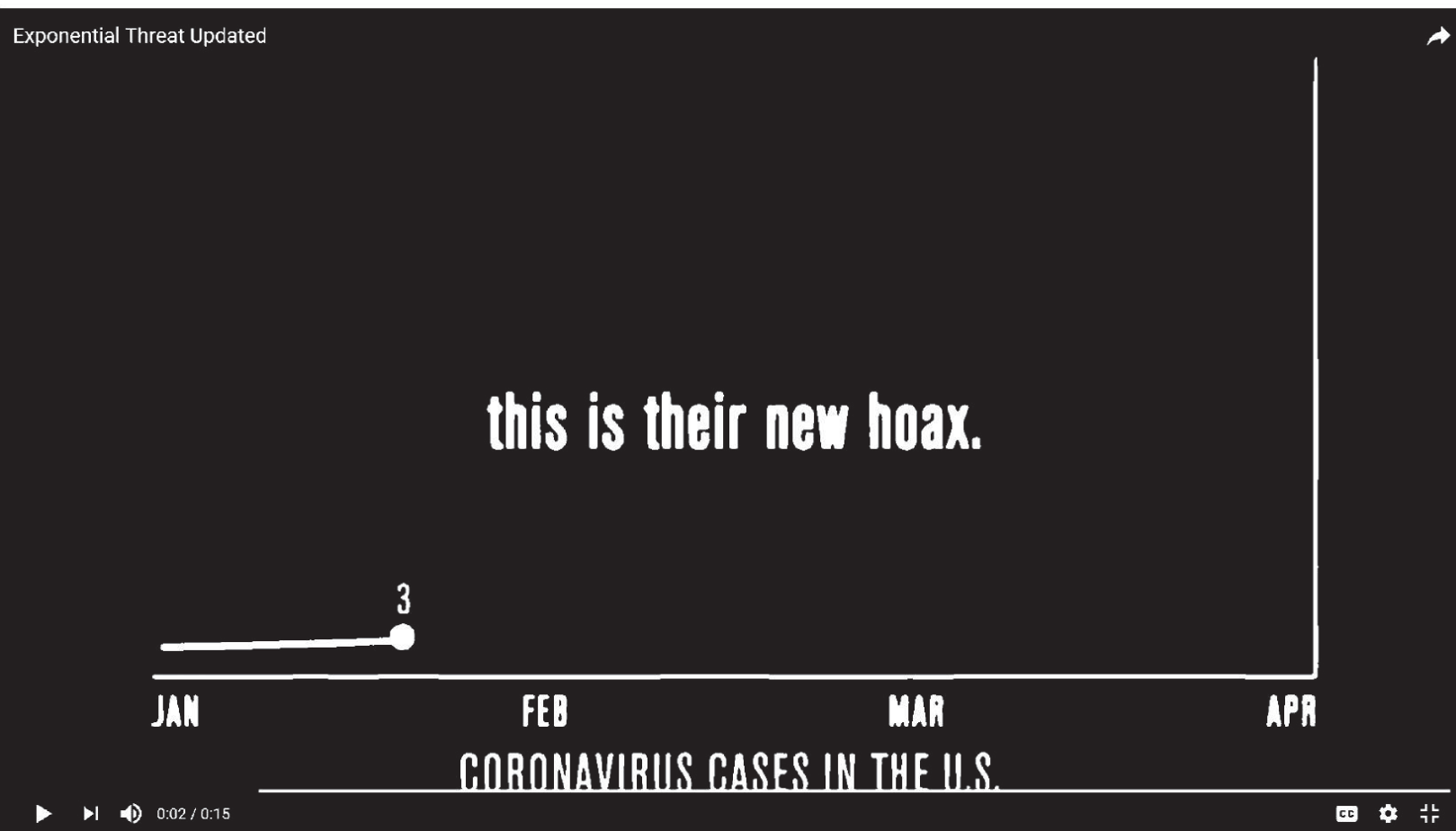


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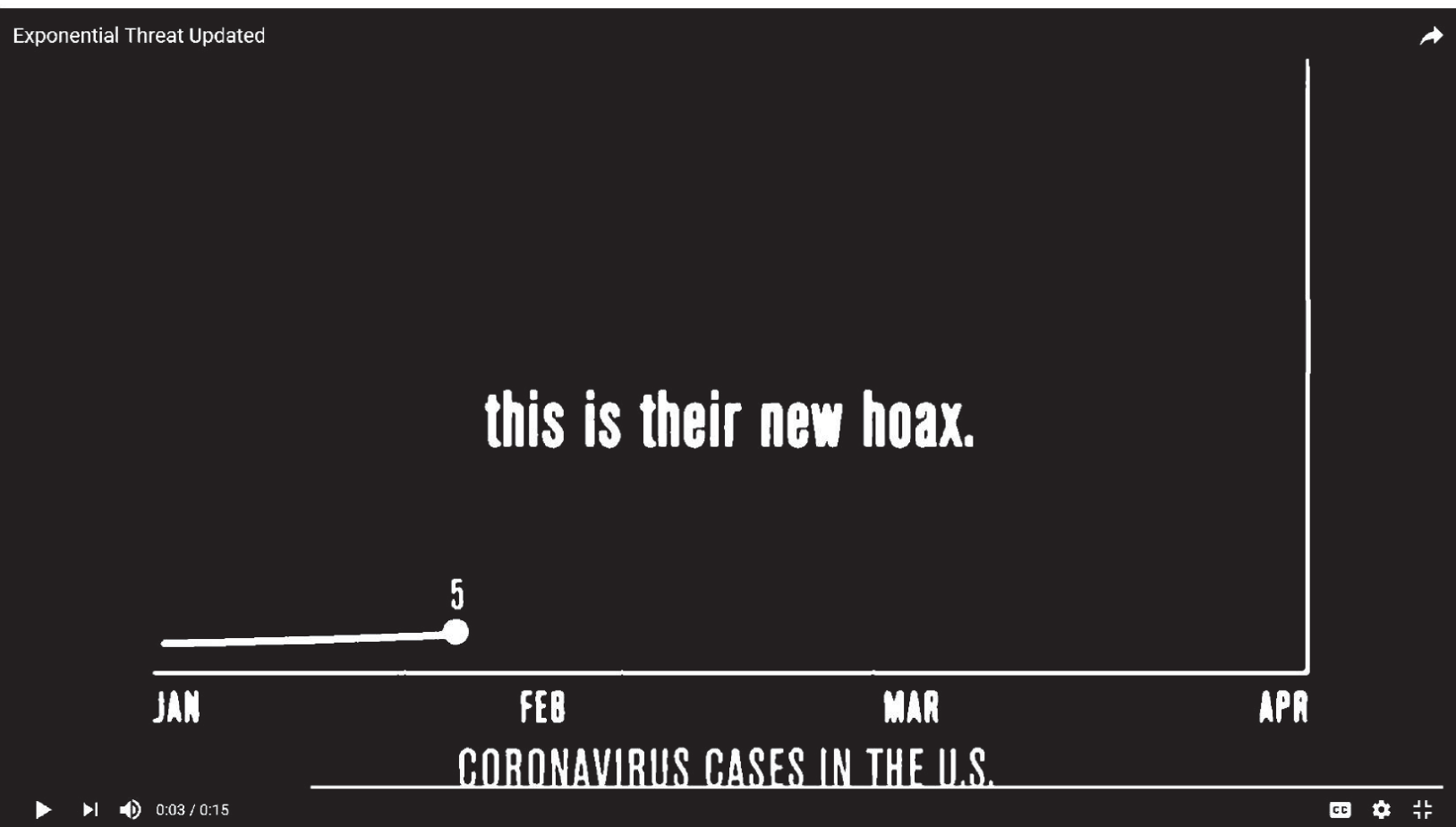


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EXHIBIT B

4/11/2020

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Will Saletan on Twitter: "Trump's use of 'hoax' tonight (7:45 in this video) referred to what he said a minute earlier: 'The Democrats are politicizing the coronavirus. ... We did one of the gre..."

Thread

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Will Saletan
@saletan



Trump's use of "hoax" tonight (7:45 in this video) referred to what he said a minute earlier: "The Democrats are politicizing the coronavirus. ... We did one of the great jobs."

He was saying the hoax is that he's handled it badly. Not the virus itself. cs.pn/389i5mn

9:49 PM · Feb 28, 2020 · Twitter Web App

133 Retweets 439 Likes

Relevant people

Will Saletan
@saletan

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EXHIBIT C

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TRENDING

FACT CHECK: Did Nostradamus Predict The Coronavirus Outbreak?

FACT CHECK: DID TRUMP CALL THE CORONAVIRUS A 'HOAX' AT HIS SOUTH CAROLINA RALLY?

6:54 PM 02/29/2020 **Brad Sylvester | Fact Check Reporter**



FACT CHECK: Does A Bill Gates-Funded Research Institute Own The Patent For Coronavirus?

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Politico published an **article** claiming President Donald Trump called the novel coronavirus a "hoax" at his Feb. 28 campaign rally in South Carolina.



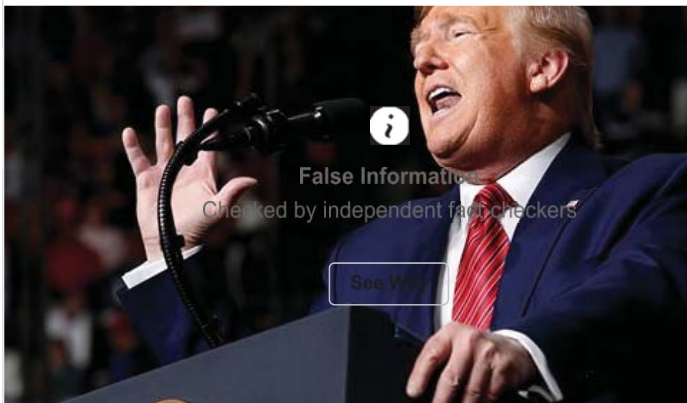
FACT CHECK: Viral Image Claims To Show Train Car With COVID-19 Marking



POLITICO

about a month ago

President Trump on Friday night tried to cast the global outbreak of the coronavirus as a liberal conspiracy intended to undermine his first term, lumping it alongside impeachment and the Mueller investigation.



POLITICO.COM

Trump rallies his base to treat coronavirus as a 'hoax'

At South Carolina rally on the eve of the Democratic primary, the presi

748

2.9K

8.4K

FACT CHECK: Is PepsiCo Discontinuing Its Mountain Dew Product Line?

<https://checkyourfact.com/2020/02/29/fact-check-donald-trump-coronavirus-hoax-south-carolina-rally/>

4/11/2020

"Trump rallies his base to treat coronavirus as a 'hoax,'" reads the headline.

**Verdict: False**

Trump referred to the alleged "politicizing" of the coronavirus by Democrats as "their new hoax." He did not refer to the coronavirus itself as a hoax. Throughout the speech, Trump reiterates his administration is taking the threat of the coronavirus seriously.

Fact Check:

Politico appears to misconstrue the subject of the president's statement, **claiming** that Trump "tried to cast the global outbreak of the coronavirus as a liberal conspiracy intended to undermine his first term." But an **examination** of the video and transcript show Trump actually described Democratic complaints about his handling of the virus threat as "their new hoax."

"We have exposed the far left's corruption and defeated their sinister schemes and let's see what happens in the coming months," Trump **said** during the rally. "Let's watch. Let's just watch. Very dishonest people. Now the Democrats are politicizing the coronavirus, you know that right? Coronavirus, they're politicizing it."

The novel coronavirus, known as COVID-19, has spread from China to 53 other countries, sickening 85,403 people and killing 2,924 others as of Saturday, according to the [World Health Organization](#).



Some Democrats, including former New York City Mayor Michael Bloomberg and former Vice President Joe Biden, have [criticized](#) the administration's response to the outbreak as rudderless and ill-prepared due to Centers for Disease Control and National Institutes of Health budget cuts and leadership by Trump. But [The Associated Press](#) called this characterization "distorted" since the agencies haven't seen loss of funding and have a "playbook to follow for pandemic preparation" regardless of who's president.

Trump [described](#) the so-called "politicizing" of the White House's response to the disease as what he perceives to be an attempt to undermine his administration, likening it to impeachment and the Mueller investigation. **(RELATED: Are There 8 Confirmed Coronavirus Cases In Nashville?)**

"They tried anything," said Trump about a minute after his [first mention](#) of the coronavirus. "They tried it over and over. They'd been doing it since you got in. It's all turning. They lost. It's all turning. Think of it. Think of it. And this is their new hoax."

When looking at the entirety of Trump's remarks, it appears the "new hoax" comment refers to the alleged Democratic "politicizing" of his response to the coronavirus threat – not the coronavirus itself. **The Hill**, the **Daily Beast** and **Slate**, among other outlets, reported that the "hoax" comment was talking about Democratic criticism.



Slate said, "**Trump Slams Democrats Over Coronavirus Criticism: 'This Is Their New Hoax,'**" while the Daily Beast posted, "**Trump: Democrats' Coronavirus Criticism A 'New Hoax.'**"

At no point in the rally does Trump directly call the novel coronavirus outbreak a "hoax" or "conspiracy." In fact, he **refers** to the respiratory virus as a "public health threat" and reiterates "we have to take it very, very seriously. That's what we're doing. We are preparing for the worst."

Trump **denied** that he called the coronavirus a "hoax" in a Feb. 29 press conference. He said he was "referring to the action that they take to try and pin this on somebody because we've done such a good job. The hoax is on them. I'm not talking about what's happening here. I'm talking what they're doing. That's the hoax," **according to** NBC News.

The president and Vice President Pence, who has been placed in charge of the administration's response to the outbreak, **announced** new travel restrictions involving Iran and increased travel advisories for Italy and South Korea at the press conference as well. The new measures come after Washington health officials announced the **first death in the U.S.** from the novel coronavirus.



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EXHIBIT D

Did President Trump Refer to the Coronavirus as a 'Hoax'?

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[Fact Checks](#) › [Politics](#)

Did President Trump Refer to the Coronavirus as a 'Hoax'?

Trump's commentary on the new coronavirus came before the virus began killing patients in the U.S.

BETHANIA PALMA

PUBLISHED 2 MARCH 2020

<https://www.snopes.com/fact-check/trump-coronavirus-rally-remark/>

4/11/2020

Did President Trump Refer to the Coronavirus as a 'Hoax'?
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Claim

U.S. President Donald Trump referred to the new coronavirus as a "hoax."

Rating



<https://www.snopes.com/fact-check/trump-coronavirus-rally-remark/>

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Did President Trump Refer to the Coronavirus as a 'Hoax'?

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Did President Trump Refer to the Coronavirus as a 'Hoax'?

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On the last Friday of February 2020, U.S. President Donald Trump held a campaign rally in South Carolina and made comments during a speech in which he accused Democrats of “politicizing” the coronavirus outbreak that left many with the impression that he had referred to the virus itself as a “hoax.”

Various news media outlets and personalities reported that he did so, including syndicated columnist Dana Milbank, who **tweeted**:

<https://www.snopes.com/fact-check/trump-coronavirus-rally-remark/>

4/11/2020

Did President Trump Refer to the Coronavirus as a 'Hoax'?

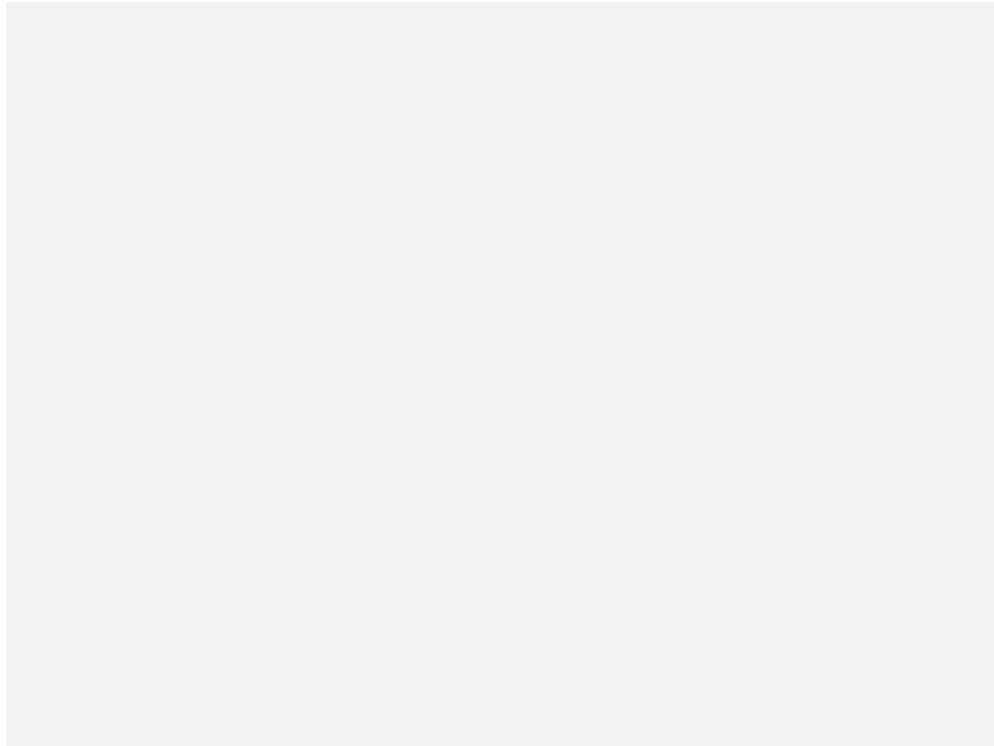
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Likewise, Politico ran a story headlined “Trump rallies his base to treat coronavirus as a ‘hoax.’” And in an article headlined “Trump calls coronavirus Democrats’ ‘new hoax,’” NBC News correspondent Lauren Egan wrote: “President Donald Trump accused Democrats of ‘politicizing’ the deadly coronavirus during a campaign rally here on Friday, claiming that the outbreak is ‘their new hoax’ as he continued to downplay the risk in the U.S.”

<https://www.snopes.com/fact-check/trump-coronavirus-rally-remark/>

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Did President Trump Refer to the Coronavirus as a 'Hoax'?

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These prompted inquiries from Snopes readers who asked us to verify the accuracy of the claim.

Trump held the rally on Feb. 28 on the eve of the South Carolina Democratic primary, which former Vice President Joe Biden ultimately **won**. During his roughly one-hour, 20-minute commentary, Trump hit back at his political opponents in the Democratic Party for their critiques of his administration's handling of a potential pandemic.

Here are Trump's **exact words** on the topic at the South Carolina rally:

Did President Trump Refer to the Coronavirus as a 'Hoax'?

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Now the Democrats are politicizing the coronavirus. You know that, right? Coronavirus. They're politicizing it. We did one of the great jobs. You say, 'How's President Trump doing?' They go, 'Oh, not good, not good.' They have no clue. They don't have any clue. They can't even count their votes in Iowa, they can't even count. No they can't. They can't count their votes.

One of my people came up to me and said, 'Mr. President, they tried to beat you on Russia, Russia, Russia. That didn't work out too well. They couldn't do it. They tried the impeachment hoax. That was on a perfect conversation. They tried anything, they tried it over and over, they've been doing it since you got in. It's all turning, they lost, it's all turning. Think of it. Think of it. And this is their new hoax. But you know, we did something that's been pretty amazing. We're 15 people [cases of coronavirus infection] in this massive country. And because of the fact that we went early, we went early, we could have had a lot more than that.

In context, Trump did not say in the passage above that the virus itself was a hoax. He instead said that Democrats' criticism of his administration's response to it was a hoax. He muddled the waters a few minutes later, however, by comparing the number of coronavirus fatalities in the U.S. (none, at that point in time) to the number of fatalities during an average flu season, and accusing the press of being in "hysteria mode":

Did President Trump Refer to the Coronavirus as a 'Hoax'?

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So a number that nobody heard of that I heard of recently and I was shocked to hear it, 35,000 people on average die each year from the flu. Did anyone know that? 35,000. That's a lot of people. It could go to 100,000, it could be 27,000, they say usually a minimum of 27, it goes up to 100,000 people a year who die, and so far we have lost nobody to coronavirus in the United States. Nobody. And it doesn't mean we won't, and we are totally prepared, it doesn't mean we won't. But think of it. You hear 35 and 40,000 people, and we've lost nobody, and you wonder, the press is in hysteria mode.

For his part, Trump later **defended** his comments by stating he was indeed calling out the Democrats' efforts to blame him and his administration for what they have characterized as an **inadequate** response "because we've done such a good job."

Trump did however downplay the scale of the virus and the danger it posed to the public. At the time he made his remarks, the U.S. had 57 confirmed coronavirus cases, 40 of which came from the Diamond Princess cruise ship, which experienced an outbreak of the virus. And health officials were warning that the spread of the virus domestically was **"inevitable."**

Did President Trump Refer to the Coronavirus as a 'Hoax'?

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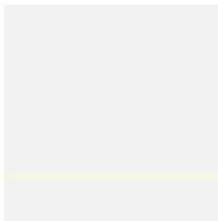
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The novel coronavirus infection has been a fast-moving crisis. Just hours after Trump's rally in South Carolina, the U.S. had its **first** coronavirus death. As of this writing, **six people** in the U.S. have died from the COVID-19, the disease caused by coronavirus. Globally, more than 80,000 cases have been identified and 3,000 people have died, while experts have warned the outbreak of the virus could become a **pandemic**.

Although Trump made a reference to seasonal flu death rates, COVID-19, which was first detected in the winter of 2019 in Wuhan, China, appears so far to be **more lethal**. And because the virus is **new**, no vaccine or treatment exists for it.



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EXHIBIT E

The Washington Post

Democracy Dies in Darkness



Biden ad manipulates video to slam Trump

By **Meg Kelly**

March 13, 2020 at 2:00 a.m. CDT

“I’ll be damned if I’m going to lose my country to this man at all.”

— former vice president **Joe Biden**, in a campaign ad, tweeted March 3, 2020

An onslaught of political advertising is par for the course in any election year. The 2020 presidential contest proves to be no exception.

So, on first glance, nothing was unusual when former vice president Joe Biden, who appears to be on track for the Democratic nomination, took a swing at President Trump. On March 3, he tweeted a video with the caption, “We can’t sit by and lose this country to Donald Trump. Today, we take it back — together.” However, while the caption is standard political rhetoric, the attached video included two clips of the president that meet the Fact Checker’s standards for manipulated video. Our guide includes three broad categories: Some video is taken out of context; other content is deceptively edited; or, in the worst instances, it is deliberately altered.

AD

Earlier this week, we examined three videos -- including one by the Trump campaign -- that met our standards for manipulated video. But the Biden campaign isn't shy about playing the same game of video trickery.

The Facts

The video begins with Biden at a campaign rally, saying, "I'll be damned if I'm going to lose my country to this man at all." Over the next few seconds, the video shows a montage of intentionally unflattering clips of President Trump. So far, it looks like a standard Internet campaign ad.

At the 10-second mark, the camera shows a tight shot of the president saying "coronavirus" and then cuts to a wide shot where he says, "this is their new hoax." Both clips are from Trump's Feb. 28 campaign rally in North Charleston, S.C., but he never said "coronavirus, this is their new hoax." Rather, Biden's ad clipped a large part of Trump's speech to make it seem as though he had. Here's the president's full quote (emphasis added to show the omission):

AD

*“Now the Democrats are politicizing the coronavirus. You know that, right? **Coronavirus.** They’re politicizing it. We did one of the great jobs, you say, ‘How’s President Trump doing?’, ‘Oh, nothing, nothing.’ They have no clue, they don’t have any clue. They can’t even count their votes in Iowa, they can’t even count. No, they can’t. They can’t count their votes. One of my people came up to me and said, ‘Mr. President, they tried to beat you on Russia, Russia, Russia.’ That didn’t work out too well. They couldn’t do it. They tried the impeachment hoax. That was on a perfect conversation. They tried anything, they tried it over and over, they’ve been doing it since he got in. It’s all turning, they lost. It’s all turning, think of it, think of it. And **this is their new hoax.** But you know we did something that’s been pretty amazing. We have 15 people in this massive country and because of the fact that we went early, we went early, we could have had a lot more than that.”*

The full quote shows Trump is criticizing Democratic talking points and the media’s coverage of his administration’s response to coronavirus. He never says that the virus itself is a hoax, and although the Biden camp included the word “their,” the edit does not make clear to whom or what Trump is referring.

Moreover, at a news conference Feb. 29, the day after the rally and three days before Biden’s ad was released, Trump was asked about the “hoax” comment. He clarified, “ ‘Hoax’ referring to the action that [Democrats] take to try and pin this on somebody, because we’ve done such a good job. The hoax is on them, not -- I’m not talking about what’s happening here [the virus]; I’m talking what they’re doing. That’s the hoax. ... But the way they refer to it -- because these people have done such an incredible job, and I don’t like it when they are criticizing these people. And that’s the hoax. That’s what I’m talking about.”

AD

Granted, Trump and members of his administration have played down the spread of the virus and falsely touted the strength of their response, as our numerous fact checks have pointed out. But that does not excuse this kind of video manipulation. This is a clear example of deceptive editing, specifically what we label “omission,” according to our guide. It edits out large portions of a video but still presents it as a complete narrative. This effectively skews reality and leaves the viewer to wonder what or who related to coronavirus is, in fact, a hoax?

Just seven seconds later, the ad shows a video of Trump hugging the American flag. In the accompanying audio, Trump says “the American Dream.” Then, with no shortage of drama, there is a pause, a dip to black and a cropped, tight shot of then-candidate Trump saying the words “is dead.”

The second clip and the audio appear to be from Trump’s June 2015 announcement that he would, in fact, run for president. Throughout the 2016 campaign, Trump repeated the phrase “the American Dream is dead.” However, each time — including during his announcement — the then-candidate followed that line with some variation of: “If I get elected president I will bring it back bigger and better and stronger than ever before, and we will make America great again.”

AD

The message is unarguably bleak, but by failing to include the second half of Trump's repeated line, it isolates the comment from the context of Trump's political argument. Moreover, the ad does not make clear that the clip is nearly five years old, ignoring the difference between when a candidate and a sitting president makes a provocative, political statement like this.

This is an example of "Missing Context": The video is unaltered, but the way it is presented to the viewer lacks or misstates the context in which events occurred. In this specific case, this is an example of what we labeled as "isolation" — a brief clip from a longer video to create a false narrative that does not reflect the event as it occurred.

Andrew Bates, a spokesman for Biden's campaign, defended the ad. "Donald Trump is the most dishonest president in American history and one of the least credible human beings in the world," Bates said. "We don't trust his next-day cleanup attempt, and he has made many comments in that same vein. And the claim that the American Dream was 'dead' in the final year of the Obama administration -- during the longest streak of job growth in American history -- is categorically untrue and another reminder of Donald Trump's deep cynicism."

AD

The Pinocchio Test

Biden's ad presents two separate and distinctly different examples of manipulated video.

While the first, "coronavirus, this is their new hoax," is a clear example of omission, we were torn between Three and Four Pinocchios. On one hand, the administration continues to promote falsehoods about the virus and vilify Democrats for criticizing its response. However, the video doesn't point that out or explain what is wrong with this characterization. Rather, it just puts the words "coronavirus and "hoax" close together, leaving the viewer to assume Trump meant that the novel coronavirus itself was a hoax.

The second example is far more straightforward. The ad isolates Trump's comment with no context.

Ultimately, the seriousness of the coronavirus outbreak, the fact that Trump had clarified his comments on the matter before the ad was released, and the blatant way the Biden camp isolated his remarks about the American Dream pushed us to Four Pinocchios. Campaigns must be willing to make their case without resorting to video manipulation.

Four Pinocchios

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EXHIBIT F



By [Daniel Funke](#) March 15, 2020

Ad Watch: Biden video twists Trump's words on coronavirus

If Your Time is short

- The video makes it look like Trump called coronavirus “their new hoax.”
- In fact, there was nearly a full minute between when the president said “coronavirus” and “hoax” during a Feb. 28 rally in North Charleston, S.C.

[See the sources for this fact-check](#)

In a video [tweeted](#) March 3, Joe Biden's campaign made it look like President Donald Trump called the 2019 coronavirus outbreak a "hoax."

"I'll be damned if I'm going to lose my country to this man at all," Biden says at the start of the ad, which has been viewed more than 336,000 times.

The video cycles through a slew of soundbites from Trump. One clip shows the president's [Feb. 28 rally](#) in North Charleston, S.C.

"Coronavirus — this is their new hoax," Trump is pictured saying.

The video makes it seem like Trump is calling the disease itself a hoax, which he hasn't done. The words are Trump's, but the editing is Biden's.

During the North Charleston rally, there was nearly [a minute](#) between when Trump said "coronavirus" and "hoax." Here is the [full context](#) of his remarks:

"Now the Democrats are politicizing the coronavirus, you know that right? Coronavirus, they're politicizing it. We did one of the great jobs. You say, 'How's President Trump doing?' They go, 'Oh, not good, not good.' They have no clue. They don't have any clue. They can't even count their votes in Iowa. They can't even count. No, they can't. They can't count their votes.

"One of my people came up to me and said, 'Mr. President, they tried to beat you on Russia, Russia, Russia.' That didn't work out too well. They couldn't do it. They tried the impeachment hoax. That was not a perfect conversation. They tried anything. They tried it

over and over. They'd been doing it since you got in. It's all turning. They lost. It's all turning. Think of it. Think of it. And this is their new hoax."

During a press conference Feb. 29, Trump was asked about his remarks.

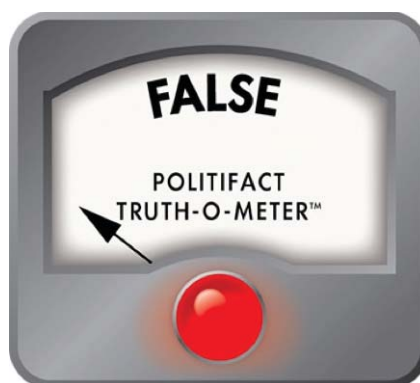
Featured Fact-check



[Viral image](#)

stated on March 12, 2020 in a Facebook post

[Says Tom Hanks has a volleyball to keep him company while he's quarantined.](#)



By Ciara O'Rourke • March 12, 2020

"I'm not talking about what's happening here; I'm talking what they're doing," he said, referring to Democrats. "That's the hoax."

Trump's comments feed into [a conspiracy theory](#) that claims Democrats and the media are fabricating the threat of COVID-19 to hurt the economy and, by extension, the president's re-election chances. And the president appeared [to downplay](#) the threat of the virus at several points in recent weeks.

But the Biden campaign's ad is misleading. It's an example of [what the Washington Post calls](#) "splicing," or "editing together disparate videos" that "fundamentally alters the story that is being told."

RELATED: [Fact-checking Donald Trump's mistakes about European travel due to coronavirus](#)

Biden's ad is the latest example of a deceptively edited ad on the campaign trail.

On March 7, Dan Scavino, the White House social media director, [tweeted a video](#) that appears to show Biden saying "we can only re-elect Donald Trump." But the video only showed a snippet of Biden's larger speech, in which he called for Democratic unity. [A similar video](#) tweeted by Michael Bloomberg on Feb. 20 made it look like he left other Democratic presidential candidates speechless during a debate when he didn't.

When we reached out to the Biden campaign for comment, it told us that Trump is "the most dishonest president in American history."

"We don't trust his next-day clean-up attempt, and he has made many comments in that same vein," said Andrew Bates, a spokesman for the Biden campaign, in an email.

Biden's video is inaccurate. We rate it False.

Our Sources

Emailed statement from Andrew Bates, spokesman for the Biden campaign, March 13, 2020

Factba.se, [Press Conference: Donald Trump Delivers an Update on the Coronavirus - February 29, 2020](#)

Politico, ["Trump rallies his base to treat coronavirus as a 'hoax,'" Feb. 28, 2020](#)

PolitiFact, ["Bloomberg's edited video of the Las Vegas Democratic debate, in context," Feb. 20, 2020](#)

PolitiFact, ["Rush Limbaugh is spreading a conspiracy theory about the coronavirus and Trump's re-election," Feb. 27, 2020](#)

PolitiFact, "[Video shared by Trump omits full context of Biden's comments](#)," March 9, 2020

Rev, "[Donald Trump Charleston, South Carolina Rally Transcript – February 28, 2020](#)," Feb. 28, 2020

The Washington Post, "[The Fact Checker's guide to manipulated video](#)," accessed March 13, 2020

[Tweet](#) from Joe Biden, March 3, 2020

Twitter, [Synthetic and manipulated media policy](#), accessed March 13, 2020

[YouTube video](#) from WLTX, Feb. 28, 2020

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[The Principles of the Truth-O-Meter](#)

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More by Daniel Funke

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EXHIBIT G



Alex W. Cannon
Special Counsel

March 25, 2020

VIA FEDEX AND E-MAIL

[REDACTED]

Re: False, Misleading, and Deceptive Priorities USA Action Fund Ad

Dear [REDACTED]:

On behalf of Donald J. Trump for President, Inc., President Trump's principal campaign committee, this letter notifies you that your station is airing a patently false, misleading, and deceptive advertisement, entitled "Exponential Threat," which was paid for by the Priorities USA Action Fund ("PUSA"), a Super PAC formed by Barack Obama loyalists. PUSA stitched together fragments from multiple speeches by President Trump to fraudulently and maliciously imply that President Trump called the coronavirus outbreak a "hoax." As fully set forth in the enclosed facts sheet, and President Trump's full quote below, the facts show beyond reasonable doubt that he was talking about the Democrat's politicization of the outbreak when he used the word "hoax." Multiple independent fact checkers have debunked the exact same false claim made in a Biden campaign ad. Because PUSA's ad's central point is deliberately false and misleading, your station has an obligation to cease and desist from airing it immediately to comply with FCC licensing requirements, to serve the public interest, and to avoid costly and time-consuming litigation.

First and foremost, President Trump's own remarks demonstrate that he was referring to the Democrat's politicization of the coronavirus outbreak when he used the word "hoax":

Now the Democrats are politicizing the coronavirus. You know that, right? Coronavirus. They're politicizing it. We did one of the great jobs, you say, "How's President Trump doing?", "Oh, nothing, nothing." They have no clue, they don't have any clue. They can't even count their votes in Iowa, they can't even count. No, they can't. They can't count their votes. One of my people came up to me and said, "Mr. President, they tried to beat you on Russia, Russia, Russia." That didn't work out too well. They couldn't do it. They tried the impeachment hoax. That was on a perfect conversation. They tried anything, they tried it over and over, they've been doing it since he got in. It's all turning, they lost. It's all turning, think of it, think of it. And this is their new hoax. But you know we did something that's been pretty amazing. We have 15 people in this

massive country and because of the fact that we went early, we went early, we could have had a lot more than that.

(President Donald J. Trump, Remarks at a Campaign Rally, Charleston, SC, 2/28/20).¹ When the relevant language is taken in context, it is abundantly clear that President Trump was not calling the outbreak a hoax but rather was referring to the Democrat's falsification of his record in an attempt to discredit his Presidency.

Moreover, multiple independent fact-checking organizations have debunked the core claim of the PUSA ad: that President Trump referred to the coronavirus outbreak as a hoax. According to The Washington Post Fact Checker, checking a Biden campaign ad, "[t]he full quote shows Trump is criticizing the Democrat's talking points and the media's coverage of his administration's response to coronavirus. He never says that the virus itself is a hoax." (Meg Kelly, *Biden Ad Manipulates Video to Slam Trump*, The Washington Post, 3/13/20).² In fact, The Washington Post Fact Checker gave four Pinocchios (its highest rating for false information) to a similar claim, made in a Biden campaign ad. In so doing, The Fact Checker stated, "Ultimately, the seriousness of the coronavirus outbreak, the fact that Trump had clarified his comments on the matter before the ad was released, and the blatant way the Biden camp isolated his remarks about the American Dream pushed us to Four Pinocchios. Campaigns must be willing to make their case without resorting to video manipulation." *Id.* Similarly, FactCheck.Org stated that Democrats "wrongly accused[d] President Trump of describing the coronavirus as a hoax." (Rem Rieder, *Trump and the 'New Hoax'*, FactCheck.Org, 3/3/20).³ Check Your Fact,⁴ Snopes,⁵ and Politifact⁶ have each published a piece debunking attempts by Democrats to mislead the public into thinking that President Trump called the outbreak a hoax.

Tellingly, PUSA's ad provides no citations of support for its false claims. The record is incontrovertible – PUSA can point to nothing fact-based to support its contention that President Trump called the coronavirus itself a "hoax". It is, however, a fact that multiple fact-checking organizations have unequivocally debunked the idea that President Trump called the coronavirus outbreak a hoax. As such, PUSA's advertisement is false, misleading, and deceptive, and we formally demand that your station refuse

¹ Available at <https://www.c-span.org/video/?469663-1/president-trump-campaign-event-north-charleston-south-carolina&start=405>.

² Available at <https://www.washingtonpost.com/politics/2020/03/13/biden-ad-manipulates-video-slam-trump/>.

³ Available at <https://www.factcheck.org/2020/03/trump-and-the-new-hoax/>.

⁴ Brad Sylvester, *Fact Check: Did Trump Call the Coronavirus A "Hoax" At His South Carolina Rally?* Check Your Fact, 2/29/20, available at <https://checkyourfact.com/2020/02/29/fact-check-donald-trump-coronavirus-hoax-south-carolina-rally/> ("Verdict: False. Trump referred to the alleged 'politicizing' of the coronavirus by Democrats as 'their new hoax.' He did not refer to the coronavirus itself as a hoax. the speech, Trump reiterates his administration is taking the threat of the coronavirus seriously.").

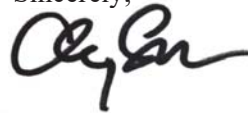
⁵ Bethania Palma, *Did President Trump Refer To The Coronavirus as a "Hoax"?*, Snopes, 3/2/20, available at <https://www.snopes.com/fact-check/trump-coronavirus-rally-remark/> ("In context, Trump did not say in the passage above that the virus itself was a hoax. He instead said that Democrats' criticism of his administration's response to it was a hoax.").

⁶ Daniel Funke, *Ad Watch: Biden Video Twists Trump's Words On Coronavirus*, PolitiFact, 3/15/20, available at <https://www.politifact.com/factchecks/2020/mar/15/joe-biden/ad-watch-biden-video-twists-trumps-words-coronavir/> ("The video makes it seem like Trump is calling the disease itself a hoax, which he hasn't done. The words are Trump's, but the editing is Biden's. During the North Charleston rally, there was nearly a minute between when Trump said 'coronavirus' and 'hoax.' . . . But the Biden campaign's ad is misleading. It's an example of what the Washington Post calls 'splicing,' or 'editing together disparate videos' that 'fundamentally alters the story that is being told.'").

to continue airing it to meet your responsibilities not to broadcast false information. Unlike candidate committees, PUSA does not have a “right to command the use of broadcast facilities.” *CBS v. DNC*, 412 U.S. 94, 113 (1973). Your station therefore bears responsibility for the ad’s content. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3d Cir. 1950). In addition, your station has a responsibility to “protect the public from false, misleading or deceptive advertising,” *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961), and your failure to remove this deceptive ad may be “probative of an underlying abdication of licensee responsibility” that could put your station’s license in jeopardy,” *Cosmopolitan Broadcasting Corporation v. FCC*, 581 F.2d 917, 927 (1978).

Given the foregoing, should you fail to immediately cease broadcasting PUSA’s ad “Exponential Threat”, Donald J. Trump for President, Inc. will have no choice but to pursue all legal remedies available to it in law and in equity; we will not stand idly by and allow you to broadcast false, deceptive, and misleading information concerning President’s Trump’s healthcare positions without consequence. This letter is without prejudice to Donald J. Trump for President, Inc.’s rights, remedies, and defenses, all of which are hereby expressly reserved.

Sincerely,



Alex W. Cannon, Esq.
Special Counsel
Donald J. Trump for President, Inc.

cc: Michael Glassner, Chief Operating Officer, Donald J. Trump for President, Inc.

[REDACTED]

enclosure

Updated: March 25, 2020

Charge: President Trump Called Coronavirus A "Hoax"

At Least 5 Independent Fact Checkers Have Debunked This Claim

***The Washington Post* Fact Checker: "The Full Quote Shows Trump Is Criticizing Democratic Talking Points And The Media's Coverage Of His Administration's Response To Coronavirus. He Never Says That The Virus Itself Is A Hoax."** (Meg Kelly, "Biden Ad Manipulates Video To Slam Trump," [The Washington Post](#), 3/13/20)

- ***The Washington Post* Fact Checker Gave Joe Biden's Campaign Four Pinocchios For Manipulating Video To Claim That President Trump Called The Coronavirus A "Hoax."** "Ultimately, the seriousness of the coronavirus outbreak, the fact that Trump had clarified his comments on the matter before the ad was released, and the blatant way the Biden camp isolated his remarks about the American Dream pushed us to Four Pinocchios. Campaigns must be willing to make their case without resorting to video manipulation." (Meg Kelly, "Biden Ad Manipulates Video To Slam Trump," [The Washington Post](#), 3/13/20)

FactCheck.Org: Democrats "Wrongly Accuse[d] Trump Of Describing The Coronavirus As A Hoax." "But the following day, after the death of the first American from coronavirus in Washington state, Trump said that when he used the word 'hoax,' he was referring to Democrats finding fault with his administration's response to coronavirus, not the virus itself. Even after Trump explained his remarks, some Democrats — including former New York City Mayor Mike Bloomberg — continued to wrongly accuse Trump of describing the coronavirus as a 'hoax.'" (Rem Rieder, "Trump And The 'New Hoax,'" [FactCheck.Org](#), 3/3/20)

Check Your Fact: President Trump "Did Not Refer To The Coronavirus Itself As A Hoax." "Verdict: False. Trump referred to the alleged 'politicizing' of the coronavirus by Democrats as 'their new hoax.' He did not refer to the coronavirus itself as a hoax. the speech, Trump reiterates his administration is taking the threat of the coronavirus seriously." (Brad Sylvester, "Fact Check: Did Trump Call The Coronavirus A 'Hoax' At His South Carolina Rally?," [Check Your Fact](#), 2/29/20)

Snopes: "Trump Did Not Call The Coronavirus Itself A Hoax." "What's False: Despite creating some confusion with his remarks, Trump did not call the coronavirus itself a hoax . . . In context, Trump did not say in the passage above that the virus itself was a hoax. He instead said that Democrats' criticism of his administration's response to it was a hoax." (Bethania Palma, "Did President Trump Refer To The Coronavirus as a 'Hoax'?", [Snopes](#), 3/2/20)

PolitiFact: Trump Did Not Call "The Disease Itself A Hoax," And Video That Is Edited To Make It Appear So Is "Misleading." "The video makes it seem like Trump is calling the disease itself a hoax, which he hasn't done. The words are Trump's, but the editing is Biden's. During the North Charleston rally, there was nearly a minute between when Trump said 'coronavirus' and 'hoax.' ... But the Biden campaign's ad is misleading. It's an example of what the Washington Post calls 'splicing,' or 'editing together disparate videos' that 'fundamentally alters the story that is being told.'" (Daniel Funke, "Ad Watch: Biden Video Twists Trump's Words On Coronavirus," [PolitiFact](#), 3/15/20)

Reporters And Commentators Have Reiterated This Point

CBS News' Scott Pelley Pointed Out That President Trump Said The Media & Democrat Hysteria About The Government Coronavirus Response Was A Hoax, Not The Virus. MIKE BLOOMBERG: "I find it incomprehensible that the president would do something as inane as calling it a hoax, which he did last night in South Carolina." SCOTT PELLEY: "He said the democrats making so much of it is a democratic hoax, not that the virus was a hoax." (CBS's Face The Nation, 3/1/20)

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Slate's Will Saletan Explained That President Trump Was Saying "The Hoax Is That He's Handled It Badly. Not The Virus Itself." "Trump's use of "hoax" tonight (7:45 in this video) referred to what he said a minute earlier: 'The Democrats are politicizing the coronavirus. ... We did one of the great jobs.' He was saying the hoax is that he's handled it badly. Not the virus itself." (Will Saletan, [Twitter](#), 2/28/20)

The President's Remarks Make Clear He Was Talking About The Politicization Of The Coronavirus Outbreak

During President Trump's February 28th Rally In Charleston, South Carolina, The President Said Democrats Are "Politicizing The Coronavirus." PRESIDENT DONALD TRUMP: "Now the Democrats are politicizing the coronavirus. You know that, right? Coronavirus. They're politicizing it. We did one of the great jobs, you say, 'How's President Trump doing?', 'Oh, nothing, nothing.' They have no clue, they don't have any clue." (President Donald J. Trump, [Remarks At A Campaign Rally](#), Charleston, SC, 2/28/20)

Further In His Remarks, President Trump Called The Democrats' And Media's Response To His Administration's Actions On The Coronavirus A Hoax, Not The Disease Or Virus Itself. PRESIDENT DONALD TRUMP: "One of my people came up to me and said, 'Mr. President, they tried to beat you on Russia, Russia, Russia.' That didn't work out too well. They couldn't do it. They tried the impeachment hoax. That was on a perfect conversation. They tried anything, they tried it over and over, they've been doing it since he got in. It's all turning, they lost. It's all turning, think of it, think of it. And this is their new hoax. But you know we did something that's been pretty amazing. We have 15 people in this massive country and because of the fact that we went early, we went early, we could have had a lot more than that." (President Donald J. Trump, [Remarks At A Campaign Rally](#), Charleston, SC, 2/28/20)

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The Next Day, President Trump Addressed The Hoax Claim During A News Conference, Where He Reiterated He Was Referring To The Actions Of The Democrats To Try And Pin The Virus On Somebody. “Moreover, at a news conference Feb. 29, the day after the rally and three days before Biden’s ad was released, Trump was asked about the ‘hoax’ comment. He clarified, “Hoax’ referring to the action that [Democrats] take to try and pin this on somebody, because we’ve done such a good job. The hoax is on them, not -- I’m not talking about what’s happening here [the virus]; I’m talking what they’re doing. That’s the hoax. ... But the way they refer to it -- because these people have done such an incredible job, and I don’t like it when they are criticizing these people. And that’s the hoax. That’s what I’m talking about.” (Meg Kelly, “Biden Ad Manipulates Video To Slam Trump,” [The Washington Post](#), 3/13/20)